

# Reclamation Manual

Directives and Standards

## ***TEMPORARY RELEASE***

*(Expires 06/15/2007)*

<b>Subject:</b>	Request for Waiver from a Reclamation Manual Requirement and Approval/Disapproval of the Request
<b>Purpose:</b>	Establishes a process to be used by Reclamation Senior Executives to request a waiver to a Reclamation Manual requirement. Also establishes the approval process for these waivers. The benefits of this Directive and Standard (D&S) are improved communications and transparency of decisionmaking.
<b>Authority:</b>	381 DM 1, <i>Directives Management</i>
<b>Approving Official:</b>	Director, Office of Program and Policy Services
<b>Contact:</b>	Director, Office of Program and Policy Services, 84-50000

1. **Waivers from Reclamation Manual Requirements.** Adherence to all requirements in Reclamation Manual (RM) releases within the RM is mandatory.<sup>1</sup> However, if an entity within Reclamation determines that compliance cannot be attained, a request for a waiver from the requirement may be made as provided in Paragraph 5 of Temporary Reclamation Manual Release (TRMR) Policy, *Mandatory Reclamation-wide Requirements and the Directives System (the Reclamation Manual)*, RCD TRMR-14. The request will be reviewed and resolved by the Senior Executive responsible for the functional area. Waivers will not be granted for statutory, regulatory, Executive Order, Departmental, or Office of Management and Budget (OMB) requirements that are applicable to Reclamation.
2. **Responsibilities.**
  - A. **Commissioner.** The Commissioner approves or disapproves requests for a waiver from a Policy requirement. The Commissioner's authority may be redelegated in accordance with the Departmental Manual, Executive Order, OMB, or Secretarial Order.
  - B. **Reclamation Senior Executives.**
    - (1) Senior Executives will request a waiver when they become aware that work under their control cannot be performed in a manner to comply with an RM requirement.

<sup>1</sup> An overall description for the operation of the RM may be found in TRMR Policy, *Mandatory Reclamation-wide Requirements and the Directives System (the Reclamation Manual)*, RCD TRMR-14, and TRMR D&S, *Managing the Reclamation Manual*, RCD TRMR-15.

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- (2) Senior Executives identified as the contact on RM Delegations of Authority, Policy, or TRMR Policy will review the request and recommend to the Commissioner whether the request should be approved or disapproved.
  - (3) Senior Executives identified as the approving official on RM D&S, or TRMR D&S will review the request and determine whether the request should be approved or disapproved. Contact the Office of Program and Policy Services (OPPS), 84-52000, if an approving official has not been identified on the RM release.<sup>2</sup>
  - (4) If a Senior Executive disapproves a request, an explanation will be provided in accordance with Paragraph 3.D.
  - (5) If a Senior Executive determines during their review of a request that a revision to RM Delegations of Authority, Policy, or TRMR Policy is warranted, the Senior Executive will recommend that the Commissioner revise the Delegations of Authority, Policy, or TRMR Policy in accordance with TRMR D&S, *Managing the Reclamation Manual*, RCD TRMR-15.
  - (6) If a Senior Executive determines during their review of a request that a revision to D&S or TRMR D&S is warranted, the Senior Executive will revise the D&S or TRMR D&S in accordance with TRMR D&S, *Managing the Reclamation Manual*, RCD TRMR-15.
  - (7) If the request for a waiver is for a requirement within the work area for which the Senior Executive is responsible, the Senior Executive will submit the waiver request to their supervisor who will then perform the activities assigned to the Senior Executive in the Paragraphs 2.B.(2) through 2.B.(6).
- C. **Director, Office of Program and Policy Services.**<sup>3</sup> The Director, OPPS will receive a copy of each waiver request and each RM Waiver Report. OPPS will maintain a repository of all waiver requests and RM Waiver Reports.

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<sup>2</sup> Prior to the release of this TRMR D&S, identification of an approving official was not included as part of the printed materials; however, OPPS maintains the approvals of all RM releases, and the information is available upon request.

<sup>3</sup> This responsibility is in addition to Director, OPPS responsibilities as a member of the Senior Executive Service.

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### 3. **Procedure for Requesting, Reviewing, and Approving or Disapproving Waivers.**

- A. **Requesting a Waiver from a Reclamation Manual Requirement.** When a Senior Executive becomes aware that work under their control cannot be performed in a manner to comply with an RM requirement, a waiver will be requested. The request, containing at least the information specified in Paragraph 3.B., will be transmitted to the Senior Executive responsible for the functional area within which the waiver is being requested. A copy of the waiver request will be provided to the Director, OPPS.
- B. **Contents of the Waiver Request.** The waiver request will include the following information:
- (1) Identification of the Senior Executive making the request;
  - (2) Explanation of why compliance with the RM requirement is not possible, including an exact reference to the requirement in the RM;
  - (3) Issue or problem faced and proposed action;
  - (4) Duration of the request for waiver;
  - (5) Potential effects (positive and/or negative) on Reclamation if the waiver is approved/disapproved;
  - (6) Position of interested parties if the waiver is approved/disapproved;
  - (7) Potentially precedent-setting implications if the waiver is approved; and
  - (8) A plan for internal and external communication if the waiver is approved.
- C. **Reviewing the Waiver Request.** The Commissioner or Senior Executive, as defined in Paragraphs 2.A. and 2.B., will review the waiver request and contact the requestor for additional information and/or discussion as necessary.
- D. **Communicating the Decision.**
- (1) **Delegations of Authority, Policy, or Temporary Reclamation Manual Release Policy.** Senior Executives identified as the contact on RM Delegations of Authority, Policy, or TRMR Policy will review the request and prepare the RM

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Waiver Report which includes a recommendation to the Commissioner whether the request should be approved or disapproved. The Commissioner will decide to approve or disapprove the request.

- (2) **Directives and Standards or Temporary Reclamation Manual Release Directives and Standards.** The Senior Executive identified as the approving official on RM D&S or TRMR D&S will review the request, determine whether the request should be approved or disapproved, and prepare the RM Waiver Report.
- (3) **Reclamation Manual Waiver Report.** A written RM Waiver Report must include information and explanations detailing the decisionmaking process. A copy of the RM Waiver Report will be provided to the Director, OPPS.